

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 06-CV-15325  
HON. GEORGE CARAM STEEH

LAJUANE E. RUTHERFORD,

Defendant.

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ORDER DENYING WITHOUT PREJUDICE  
PLAINTIFF'S MOTION FOR SUBSTITUTED SERVICE (#2)

Plaintiff moves for substituted service to be made upon defendant LaJuane E. Rutherford, proffering a process server's verified statements that personal service was attempted three times, without success, upon defendant Rutherford, at her home address of 18605 Coyle Street, Detroit, Michigan, 48235. Service upon an individual situated within this federal judicial district may be effected pursuant to the law of Michigan. Fed. R. Civ. P. 4(e)(1). Michigan law provides that "[o]n a showing that service of process cannot reasonably be made as provided by this rule, the court may by order permit service of process to be made in any other manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard." M.C.R. 2.105(l)(1). Plaintiff seeks substituted service by means of mailing by first class mail and certified mail (return receipt requested), and also posting a copy of the summons and complaint to Rutherford's residential door.

Plaintiff has not shown that service of process cannot be accomplished upon Rutherford under M.C.R. 2.105(A)(2) by sending a summons and a copy of the complaint by certified mail, return receipt requested, to the Detroit address, with delivery restricted to Rutherford.<sup>1</sup> Indeed, plaintiff requests such relief, with the additional condition of posting on Rutherford's door. Plaintiff does not need a court order of substituted service to serve defendant Rutherford under M.C.R. 2.105(A)(2). Fed. R. Civ. P. 4(e)(1). Accordingly,

Plaintiff's motion for substituted service is hereby DENIED without prejudice. Plaintiff may again move for alternate service on a showing that process cannot be accomplished under M.C.R. 2.105(A)(2).

SO ORDERED.

Dated: February 7, 2007

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
February 7, 2007, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Deputy Clerk

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<sup>1</sup> The court notes plaintiff's proffer of a certified written statement of a Postal Representative that the mail of "Lujane Rutherford" is delivered to 18605 Cote, Detroit, Michigan, 48235.